IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20353 of 2004

Between:

1 Nadepalli Sathi Raju, s/o Nookayya,
Thondangi Village and Mandalam, East Godavari District.
2 Nadepalli Chandra Rao, s/o Sathi Raju,
Thondangi Village and Mandalam, East Godavari District.
3 Nadepalli Naga Raju, s/o Nookayya,
Thondangi Village and Mandalam, East Godavari District.
4 Nadepalli Chandra Rao, s/o Naga Raju,
Thondangi Village and Mandalam, East Godavari District.

..... PETITIONERS

AND

1 The Commissioner, Temple Lands & Endowments,

Govt. of A.P., Tilak Road, Hyderabad.
2 The Regional Joint Commissioner,

Temple Endowments Department, Kakinada, East Godavari District.
3 The Assistant Commissioner, Temple & Endowments Land,

Rajahmundry, East Godavari District.
4 The Executive Officer,

Pithapuram Endowments Lands Pithapuram, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of Mandamus, order/orders and set aside the impugned letters No.115/2004 and 123/2004 dated 21-9-2004 of R2 as the same are illegal, arbitrary,

discriminatory and violation of principles of natural justice and further direct the respondents to allow the petitioners to continue to cultivate the said lands on lease as usual or to purchase on sale.

Counsel for the Petitioners: MR.G.SANYASI RAO

Counsel for the Respondents 1 to 3: G.P. FOR ENDOWMENTS

Counsel for the Respondent No.4: SMT.N.INDRANI

The Court made the following :

ORDER:

The petitioners who are four in number filed this writ petition seeking a writ of Mandamus declaring the orders passed by the 2nd respondent-Regional Joint Commissioner, dated 21-09-2004 as arbitrary and illegal.

The petitioners claim to be the cultivating tenants in respect of land situated in different survey numbers of Thondangi Village belonging to the 4th respondent.

As can be seen from the material on record the 1st and 3rd petitioners made separate claims before the 3rd respondent-Assistant Commissioner of Endowments stating that being landless poor persons they are entitled to the benefit of Section 82(2) of the A.P.Charitable and Hindu Religious Institutions & Endowments Act, 1987 (for short 'the Act'). The said claims were rejected by the 3rd respondent. Against the said orders, the 1st and 3rd petitioners preferred appeals before the 2nd respondent. All the said appeals were dismissed by separate orders dated 21-09-2004 holding that as per the revenue records, the lands in question have been classified as wet and that petitioners 1 and 3 are holding the lands in excess of the limits prescribed for being declared as landless poor and therefore the petitioners 1 and 3 cannot be decalred as landless poor. Aggrieved by the said orders, this writ petition is filed.

Having heard the learned counsel for both the parties and on perusal of the material on record, I do not find any infirmity in the orders passed by the respondents 2 and 3.

Nothing has been placed before this Court to show that the concurrent finding of fact recorded by both the respondents 2 and 3 is erroneous, or that the order was in violation of principles of natural justice or in contravention of any statutory provision warranting interference of this Court in exercise of jurisdiction under Article 226 of the Constitution of India.

Accordingly, the writ petition is dismissed. However, this shall not preclude the petitioners to participate in the auction if any conducted by the 4th respondent in respect of the leasehold rights of the land in question. No costs.

_____

05-11-2004

vs

To

1 The Commissioner, Temple Lands & Endowments,

Govt. of A.P., Tilak Road, Hyderabad.
2 The Regional Joint Commissioner,

Temple Endowments Department, Kakinada, East Godavari District.
3 The Assistant Commissioner, Temple & Endowments Land,

Rajahmundry, East Godavari District.
4 The Executive Officer,

Pithapuram Endowments Lands Pithapuram, East Godavari District.

5 2CCs to the G.P for Endowments, High Court Buildings,

Hyderabad(O.U.T).

6 2CD copies